

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 108 be amended to read as follows:

- 1           Page 1, line 11, after "due." insert "**However, the maximum**
- 2           **amount of interest that may be paid to an employee under this**
- 3           **subsection may not exceed the lesser of:**
- 4                 **(1) double the amount of wages due to the employee; or**
- 5                 **(2) fifty thousand dollars (\$50,000)."**
- 6           Page 1, line 15, delete "two" and insert "**one**".
- 7           Page 1, line 16, delete "(\$200)." and insert "**(\$100). Amounts may**
- 8           **be deducted under this subsection only for a purpose described in**
- 9           **IC 22-2-6-2(b)."**
- 10          Page 2, line 7, after "employee" delete "," and insert ".".
- 11          Page 2, line 10, delete "along with" and insert "**The court shall**
- 12          **award to the employee**".
- 13          Page 2, line 11, after "employee" delete "." and insert "**if the**
- 14          **employee recovers any wages in a suit under this section.**".
- 15          Page 3, line 38, delete "Payment" and insert "**Subject to**
- 16          **subsection (d) and IC 22-5-6, payment**".
- 17          Page 3, line 41, delete "Payment" and insert "**Subject to**
- 18          **subsection (d) and IC 22-5-6, payment**".
- 19          Page 4, line 6, after "employer." insert "**An employee may make**
- 20          **a wage assignment under this subdivision only if before beginning**
- 21          **the education or the training program the employee and the**
- 22          **employer execute a written instrument specifying the amount and**
- 23          **conditions of the employee's payment or repayment.**
- 24          **(c) The total amount of deductions from an employee's wages**
- 25          **under any combination of wage assignments under subsection**
- 26          **(b)(6), (b)(7), (b)(14), (b)(15), and (b)(16) for any work week may**
- 27          **not exceed the lesser of:**
- 28                 **(1) twenty-five percent (25%) of the employee's disposable**
- 29                 **earnings for that week; or**
- 30                 **(2) the amount by which the employee's disposable earnings**
- 31                 **for that week exceed thirty (30) times the federal minimum**
- 32                 **hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the**

1           time the wages are payable.  
2           (d) An employee may make a wage assignment under  
3 subsection (b)(14) or (b)(15) only if:  
4           (1) the employer is not otherwise prohibited by contract or  
5           by law from charging for the purchase or maintenance of the  
6           uniforms or for the purchase or rental of the tools and  
7           equipment;  
8           (2) the employer has a schedule of charges for the purchase,  
9           maintenance, or rental that is available to all of the  
10          employer's employees;  
11          (3) no additional charge or fee is imposed for making the  
12          wage assignment;  
13          (4) if the wage assignment is for the purchase of uniforms,  
14          tools, or equipment:  
15                (A) the employee makes a written request for the  
16                purchase; and  
17                (B) the employee and the employer execute a written  
18                instrument specifying the terms and conditions of the  
19                purchase; and  
20          (5) the wage assignment is voluntary and is made for a  
21          specific time.".

22          Page 4, between lines 30 and 31, begin a new paragraph and insert:

23          "(c) An employer must issue a replacement payroll check to an  
24          employee who, not more than fifteen (15) days after the original  
25          payroll check is issued, submits a written request for the issuance  
26          of the replacement payroll check because of the theft, destruction,  
27          or other loss of the original payroll check. The issuance of a  
28          replacement payroll check under this subsection is subject to the  
29          payment of a fee computed under subsection (b).".

          (Reference is to SB 108 as printed January 27, 2006.)

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Senator YOUNG R MICHAEL